

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 15, 1973
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Nichols, Lebermann, Friedman
Handcox, Mayor Butler
Absent: Mayor Pro Tem Love

The Invocation was delivered by REVEREND W. BOYD HARRIS, Grace Methodist Church.

MINUTES APPROVED

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of February 1, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Handcox, Mayor Butler
Noes: None
Out of Room at Roll Call: Councilman Friedman
Absent: Mayor Pro Tem Love

SPECIAL RECOGNITION

Mr. Lyle Hammer, representing Texas Senior Citizens Association, recognized the City Council, bestowing upon each Councilman an Honorary Member of the Texas Senior Citizens Association. Mr. Hammer presented the Honorary Memberships to the Councilmen and their wives.

PERSONNEL POLICIES

The City Manager, Mr. Dan Davidson, had distributed copies of their recommendations, and explained that a full review would not be undertaken at this time. However, because of additional work done by the City Attorney, they may have the complete document by two weeks from this day, March 29, 1973. He suggested that the Council indicate its approval in principle of the main points of the memorandum and the resolution in detail will be brought back to the Council in two weeks.

Councilman Handcox moved the Council approve the main points of the memorandum and that the resolution in detail would be brought back before the Council in two weeks, adding that he would like to say "a job well done" and that they were on the right track. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler
Noes: None
Out of Room at Roll Call: Councilman Dryden
Absent: Mayor Pro Tem Love

EASEMENTS RELEASED

Councilman Nichols moved the Council adopt a resolution authorizing release of the following easement:

A portion of an existing drainage easement out of Block G,
GREENBRIAR SECTION TWO.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen
Dryden, Nichols
Noes: None
Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution authorizing release of the following easement:

A portion of an existing public utilities easement out of Lot 1,
TIMBERLINE

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen
Dryden, Nichols
Noes: None
Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution authorizing release of the following easement:

Two (2) portions of existing public utilities easements out of
Lot 62, LA HACIENDA ESTATES.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen
Dryden, Nichols
Noes: Nones
Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution authorizing re-lease of the following easement:

Two (2) public utilities easements out of Lots 5 and 6, Block E,
VISTA WEST - II.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen
Dryden, Nichols

Noes: None

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution authorizing re-lease of the following easement:

An electric and telephone easement out of Lot 3-A, First
Resubdivision of Block M, QUAIL CREEK PHASE 2, SECTION 3.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen
Dryden, Nichols

Noes: None

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution authorizing re-lease of the following easement:

Two (2) existing electric and telephone easements out of that
certain 25.00 acre HIGHLAND LAKES NATIONAL MORTGAGE COMPANY TRACT
of land.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen
Dryden, Nichols

Noes: None

Absent: Mayor Pro Tem Love

PUBLIC HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing at 10:00 A.M., March 29, 1973, to consider annexing the following:

- a. Total of 10.05 acres out of the Henry P. Hill League:
 - (1) 8.64 acres - GLENCLIFF. (requested by owner's representative)
 - (2) 1.41 acres - portion of HOMEDALE DRIVE and unplatted land. (initiated by City of Austin)
- b. Total of 68.92 acres out of the Santiago Del Valle Grant:
 - (1) 10.01 acres - unplatted land. (requested by owner)
 - (2) 58.91 acres - portion of INTERSTATE HIGHWAY 35 and unplatted land. (initiated by City of Austin)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Nichols, Lebermann

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

LEASE RENEWAL

Councilman Nichols moved the Council adopt a resolution authorizing three year renewal option of Twin Oaks Branch Library Lease. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Nichols, Lebermann, Friedman

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

COST DIFFERENCE

Councilman Nichols moved the Council adopt a resolution authorizing payment of cost difference as follows:

Authorizing payment to Austex Development Company, Ltd. for cost difference of 12"/8" water main in Quail Creek, Phase 2, Section 5 - \$7,282.07.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Nichols, Lebermann, Friedman, Handcox

Noes: None

Out of the Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

CHANGE ORDER

Councilman Nichols moved the Council adopt a resolution approving Change Order No. 5 to Project No. 72-Cc-128, Jones Road Bridge and Culvert Project - \$19,596.00, Capital Improvements Program Project No. 6529 0. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Noes: None
Out of Room at Roll Call: Mayor Butler, Councilman Dryden
Absent: Mayor Pro Tem Love

QUITCLAIM DEED

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to execute a quitclaim deed to J.D. Sanders on property acquired in 1962 for an extension of Edgedale Drive. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler
Councilmen Dryden, Nichols
Noes: None
Absent: Mayor Pro Tem Love

SALE OF PROPERTY

Councilman Nichols moved the Council adopt a resolution approving the sale of property in the Glen Oaks Urban Renewal Area, Tex R-70, as follows:

Parcel No. R-9 1189 Graham Ms. Helen Mack \$2,000.00

Minimum acceptable sale price: \$2,000.00

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden,
Nichols, Lebermann
Noes: None
Absent: Mayor Pro Tem Love

PUBLIC HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing at 10:00 A.M., April 19, 1973, to amend the Brackenridge Urban Renewal Plan, to consider change in land use designation for Disposal Parcel 15a from Residential Use "R" to Public Use "P-2", on parcel located adjacent and west of park area along Eleventh Street. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Lebermann, Friedman
Noes: None
Absent: Mayor Pro Tem Love

CASH SETTLEMENT

Councilman Nichols moved the Council adopt a resolution authorizing cash settlement as follows:

60/40% cash settlement with Lem Corporation for sewer service installation at McCann Annex #2 - Resub.
City's cost @ 60% is \$922.50
Owner's cost @ 40% is \$615.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann, Handcox
Noes: Councilman Friedman
Absent: Mayor Pro Tem Love

GRANT CONTRACT AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing approval of a grant contract agreement with the Federal Aviation Administration for federal matching funds to acquire fire-crash-rescue equipment for Robert Mueller Municipal Airport as follows:

Total Cost - \$99,200
FAA - \$49,600
City of Austin - \$49,600

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

GRANT APPLICATION

Councilman Nichols moved the Council adopt a resolution authorizing submission of a grant application to the Department of Health, Education and Welfare for renewal of the Nursing Student Loan and Scholarship Program for the Brackenridge School of Nursing. Total cost is \$54,000: HEW will provide 100% funding. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler
Councilman Dryden
Noes: None
Absent: Mayor Pro Tem Love

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH AUSTEX DEVELOPMENT COMPANY, LTD., AND RAYMOND E. MITCHELL, TRUSTEE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler
Councilmen Dryden, Nichols

Noes: None

Out of Room at Roll Call: Councilman Friedman

Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 10.77 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY; 31.14 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY; 25.24 ACRES OF LAND, MORE OR LESS SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY; 11.8 ACRES OF LAND, MORE OR LESS, SAME BEING PARTLY OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY, PARTLY OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18, PARTLY OUT OF AND A PART OF THE JAMES ROGERS SURVEY AND PARTLY OUT OF AND A PART OF THE JOHN APPLGAI SURVEY; AND 23.57 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Nichols moved that the Council waive the requirement for the second reading and pass the ordinance to its third reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Lebermann

Noes: None

Out of the Room at Roll Call: Councilman Friedman
Absent: Mayor Pro Tem Love

SUBSTANDARD STRUCTURES

Councilman Nichols moved the Council approve the recommendations from the Building Standards Commission and authorize the Legal Department to take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

7001 East Riverside Drive (Unit B)	-	Mrs. Etta Allen Burdett
1617 Navasota Street	-	William H. Leach
5301 South Congress Avenue	-	Ms. Emelie Yerger
5303 (c) South Congress Avenue	-	Ms. Emelie Yerger
209 San Saba Street	-	Elizabeth and Frank Martinez, Jr.
207 San Saba Street	-	Elizabeth and Frank Martinez, Jr.
The Council omitted 6102 Caddie Street	-	Gustavo Calvo from the above list.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann,
Friedman, Handcox

Noes: None

Absent: Mayor Pro Tem Love

CONTRACTS AWARDED

Councilman Nichols moved the Council adopt a resolution awarding the following contracts:

SCHMIDT CONSTRUCTION COMPANY (Austin, Texas)	-	For the installation of approximately 759 feet of 12-inch water main and appurtenances in Congress Avenue, 17th Street to 19th Street \$14,782.50 (Capital Improvements Program Project No. 5 4503 5)
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Out of Room at Roll Call: Councilman Dryden
Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contracts:

Aircraft Fire Fighting Trucks

- | | | |
|---|---|--------------------------|
| (1) WALTER MOTOR TRUCK CO.
(Voorheesville, N.Y.) | - | Bid Item 1 - \$83,200.00 |
| (2) FIRE CONTROL ENGINEERING CO.
(Fort Worth, Texas) | - | Bid Item 2 - \$15,834.00 |

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler
Noes: None
Out of Room at Roll Call: Councilman Dryden
Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contracts:

EA-11, Cut-Back Asphalt and EA-HVRS Emulsion Supply Agreement:

- | | | |
|---|---|--|
| (1) TEXAS EMULSIONS, INC.
(Austin, Texas) | - | Bid Item 1 - 150,000 gallons @
\$.14/gal. F.O.B. Delivered and
Bid Item 3 - 400,000 gallons @
\$.14/gal. F.O.B. Bidder's Plant
\$77,000.00 |
| (2) EXXON COMPANY, U.S.A.
(Houston, Texas) | - | Bid Item 2 - 16,000 gallons @
\$.1418/gal. F.O.B. Delivered -
\$2,268.80 |

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler
Noes: None
Out of Room at Roll Call: Councilman Dryden
Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contracts:

Mercury Vapor Luminaires

- | | | | |
|-----|---|---|---|
| (1) | GRAYBAR ELECTRIC CO.
(Austin, Texas) | - | Bid Item No. 1 - 200 @ \$29.75/ea.
Bid Item No. 4 - 300 @ \$39.50/ea.
Bid Item No. 5 - 50 @ \$40.58/ea.
Bid Item No. 6 - 25 @ \$91.40/ea.
\$22,114.00 Total |
| (2) | TECHLINE, INC.
(Austin, Texas) | - | Bid Item No. 3 - 300 @ \$23.78/ea.
\$7,134.00 Total |
| (3) | BESCO, INC.
(Austin, Texas) | - | Bid Item No. 7 - 200 @ \$21.10/ea.
\$4,220.00 Total |

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

- | | | |
|----------------------------|---|--|
| DALMARK
(Austin, Texas) | - | Construction of Electric Ductline
at Kingsbery Substation -
\$54,622.00 (Capital Improvements
Project No. 3529 1) |
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

- | | | |
|--|---|--|
| THOMAS BROTHERS
CONSTRUCTION COMPANY
(Austin, Texas) | - | For construction of the Maintenance Building at Jimmy Clay Municipal Golf Course -
\$27,367.00
(Capital Improvements Program
Project Number 8627 3) |
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

TERRY EDWARDS (Austin, Texas)	-	For a Recreational Vehicle Campsite Complex for Lake Austin Metropolitan Park, Contract Number 73-PARD-106 \$7,485.00 (Capital Improvements Program Project Number 8640 4) City Participation 25% - Economic Development Administration 75%
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

AUSTIN ROAD COMPANY (Austin, Texas)	-	For construction of street improvements consisting of curb and gutter, excavation, base and surfacing in West Oltorf Street from South Lamar Blvd. to approx- imately 1,200' east of South Lamar Blvd., Contract Number 73-Pb-108. (Capital Improvements Program Project No. 4056 0)
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

VE PED TRAFFIC CONTROL, INC.	-	Traffic Pavement Marking Paint
(Oklahoma City, Oklahoma)		\$18,065.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

AMERICAN BINDERY, INC.	-	Binding and Rebinding of Books
(Topeka, Kansas)		and Magazines, Austin Public
		Library Department
		\$12,000.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

GULF OIL CORPORATION	-	Confirmation of purchase of
(Austin, Texas)		900,000 gallons of emergency
		reserve No. 2 fuel oil
		\$144,000.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

AIR PREHEATER CO., INC. (Dallas, Texas)	-	Purchase of new modified air preheater elements for Boiler #3 at the Holly Street Plant \$74,720.00
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox
Mayor Butler
Noes: None
Out of Room at Roll Call: Councilman Dryden
Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

It was noted there would have to be lots cast. Mr. Solon Bennett, Director of Purchasing, held a drawing and Techline, Inc., was the one drawn.

Mercury Vapor Luminaires

TECHLINE, INC. (Austin, Texas)	-	Bid Item No. 2 - 200 @ \$28.68/ea. \$5,736.00 Total
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Nichols
Noes: None
Out of Room at Roll Call: Councilman Dryden, Mayor Butler
Absent: Mayor Pro Tem Love

REJECTION OF LOW BIDS

Councilman Nichols moved the Council adopt a resolution rejecting low bids submitted by L-H Builders and Joe Baggett Construction Company for construction of the Maintenance Building at Jimmy Clay Municipal Golf Course.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Nichols, Lebermann
Noes: None
Out of Room at Roll Call: Councilman Dryden, Mayor Butler
Absent: Mayor Pro Tem Love

ITEM WITHDRAWN

The Council, at the request of City Manager Dan Davidson, withdrew the following item at this time:

Bids to be received
March 13, 1973

- For construction of street improvements, widening Koenig Lane, from approximately 520' west of Lamar Blvd. to approximately 520' east of Lamar Blvd. Contract No. 73-Pb-107 (Capital Improvements Program Project No. 6068 6)

ITEMS DELAYED

The Council, at the request of Councilman Nichols, delayed the consideration of a budget amendment for the purpose of providing a prosecutor for the County Attorney in connection with an anti-pornography program.

The Council, at the request of Councilman Lebermann, delayed the following items:

1. Proposed Historic Zoning District
2. Proposed Care and Counselling Program for rape victims.

AMENDMENT - AUSTIN DEVELOPMENT PLAN

Mayor Butler announced that it was time for the hearing on amending the Austin Development Plan:

The designation of approximately 410 square miles of land within the extraterritorial jurisdiction of the City of Austin as Suburban Residential and Low Density Residential in certain watersheds. C2-72-6.

Mr. Richard Baker representing the Austin White Lime Company and Robinson Brothers Ranch, as they had requested an extension of the hearing when it was set in December due to peculiar problems which they have in owning some 7,000 acres of contiguous land, now being used for quarrying and manufacturing purposes. The Austin White Lime Company and Robinson Brothers Ranch have entered into a contract with Planning Consultants out of Denver to do a master plan of the contiguous acreage owned by these two parties. They asked, on the basis of this contract, that the area owned by these two gentlemen be excluded from the extension of the Master Plan; that when their master plan is completed they would agree to bring the land into the Austin Master Plan. Timing was undecided, as they are now in the quarrying stage on portions of this land. It would be a minimum of five to seven years; and during this time, they enter into agreements with the City as desired; and stipulate that the land would not be sold for uses contrary to what the designation in their Master Plan or the Austin Master Plan would be. There would be an estimate of 4500 acres at this time. Noting this was a large piece of land

out of the Master Plan, Mr. Baker stated they were trying to set this up so that they could continue the existing operations and bring it in so that it would not thwart what is trying to be accomplished by the extension of the Master Plan. He pointed out the advantages to the City, as they would be setting up proposed arterial systems.

The Director of Planning, Mr. Lillie, stated it would be their intent that the plan be adopted by the Commission and that as the quarry operations are completed, that the plan convert to the uses proposed under the Master Plan. Mr. Baker stated they had reserves for quarrying for a period of 40 years, and the bulk of these reserves lie far outside of the five mile extra-territorial jurisdiction.

Mr. Lillie suggested that if the tract were annexed and the quarry designated, and everything else be designated residential; and if there were a change in the quarry operation within the total acreage, this would be subject to a master plan amendment, and probably would be recommended by the Department as these sites are within the tract. He suggested that since this is such a large acreage, and is a unique situation, that these developers should have the opportunity to develop the plan and work with the City's plans for that area.

Mr. Baker asked that this 8 - 10 square miles be excluded.

Council Members discussed this matter in detail. Mayor Butler stated he could not see taking in 400 square miles and leaving out eight or ten, as it would not be fair to each other owner. If this request were granted, the quarrying continued until completed and then moved off, and this area brought in as Suburban Residential "A", it could be 40 years before this area be annexed.

Mr. Buford Stewart asked that the Council extend the Master Plan to the five mile limit in order to coincide with the subdivision regulations, and make for better development of the City.

After further discussion and study, Councilman Nichols moved the Council close the hearing and designate approximately 410 square miles of land within the extraterritorial jurisdiction of the City of Austin as Suburban Residential, Low Density Residential in certain watersheds, designated as C2-72-6 with the primary quarrying and primary reserve areas shown on the approximately 4500 acres now owned by Austin White Lime Company and Robinson Brothers Ranch property. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Lebermann, Friedman

Noes: None

Absent: Mayor Pro Tem Love

SALE OF STOCK

The City Attorney, Mr. Don Butler, explained this transaction was the result of the Four Seasons Nursing Homes, Inc., having gone bankrupt. Due to their having a utility bill owed to the City, the Four Seasons were trying to give this stock to the City. They were told that the City could not own stock; but the Four Seasons Nursing Homes, Inc., sent these shares to the City of Austin anyway. Mr. Barker, Finance Administrator, stated this was an involuntary receipt as the City Attorney had explained. Four Seasons went into liquidation and, over the protest of the City Attorney, there were distributed 439 shares of ANTA Corporation stock. Since the City cannot own stock, the stock would be sold to the out-standing bidder.

Councilman Nichols moved the Council ratify the sale of 439 shares of ANTA Corporation stock. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann, Friedman
Handcox
Noes: None
Absent: Mayor Pro Tem Love

FLOOD PLAIN - FLOOR LEVEL REQUEST

Mr. Mike Sloan appeared before the Council requesting permission to lower the finished floor levels of the houses at 1101 1/2, 1103, and 1103 1/2 Fiesta Street to an elevation of 460.5 feet. The flood plains in Boggy Creek have been established in the Govalle Area. He is moving houses on Lots 2, 3, and 4, Fiesta Street. He asked that he be granted an elevation of 460.5 feet instead of the required 462. With the 462 feet he would be five feet above the street level and that would ruin the appearance of the houses and the value of ever renting or selling them. He pointed out a new subdivision and the elevation there is 460.5 feet. In a subdivision right next to this, he was required to maintain an elevation of 462 feet.

In discussion, Councilman Handcox expressed concern about the people who purchased these homes below the recommended plain for what the City has recommended. Mr. Sloan stated his primary reasons for this request was because other new subdivisions had an elevation of 460.5 feet. The City Attorney expressed concern that purchasers might buy in reliance on the platted regulations if they are platted.

At Councilman Friedman's request, the Director of Engineering, Mr. Graves, stated there was not a comprehensive study of this area, and it was their general assumption that 460.5 feet was set in that area. The 462 that was recorded several years ago was determined by an engineering study by an engineer. The Plan records prescribe 462 as the minimum floor elevation; other plans say 460.5 and add a phrase "unless an exception is granted by the Director of Public Works". This one does not have the prerogative.

Mayor Butler asked if this could be made a matter of record in the deed records, that the title search would show up and the purchaser would be aware of this before he purchased.

The City Attorney said they could get a recordable instrument whereby (and he would recommend this very definitely) this gentleman and his successor agree to indemnify the City of Austin from any damages that might occur and release them from any claims that might occur as a result of this change; that it be a matter of record, and that this release be bought at Mr. Sloan's expense.

Councilman Nichols moved the Council grant Mr. Mike Sloan the relief in question subject to the document required by the City Attorney's Office, and that it be recorded so that for a future purchaser, a title search would reveal this renewed elevation. The Motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

Councilman Lebermann stated this discussion pointed out the need to push ahead with a good deal of vigor with the flood management study, with the final ordinations to make operative the plans and studies the Council discussed some months ago. The City Manager stated there is a report indicating a need for the Council to select a consultant to carry out this study.

SKI CLUB - FESTIVAL BEACH

Mr. Dick Williamson, Senior Vice-President of Austin Ski Club, submitted a list of dates on which they would like to hold their tournaments on the Festival Beach location. The Aqua Festival Tournament has tentatively set them on July 28 and 29. Their request for the dates in May and September are in addition to the Aqua Festival. The City Manager recommended this request.

Councilman Nichols moved the Council grant the request as outlined, the Club to operate under the same rules as the boat races -- not until after Church on Sunday, etc., as previously set up. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler
Councilman Dryden
Noes: None
Absent: Mayor Pro Tem Love

Later in the meeting, Mr. Williamson returned to the Council regarding the Austin Ski Club, stating they were to conform to "no operations before noon Sunday". He stated he had an inquiry from the Environmental Impact group as to the louder boats. He stated these boats were not as loud as the Austin Boat Club. In the past they held their slalom activities starting at 8:00 Sunday morning because of sound conditions. Mr. Williamson said this is a noiseless event.

It was pointed out by Councilman Lebermann that the Council had established a policy, and the Council would have to rescind that policy and create another. The City Clerk was directed to send a copy of the policy to Mr. Williamson.

SHUTTLE BUS SYSTEM

Mr. Michael Akin stated their group was scheduled to talk to Joe Ternus, and to the University officials this next week to request a combined system of the University Shuttle Bus System, along with the Austin Transit system. Mayor Butler stated the Board of Regents has a new proposal pending before them at this time on the shuttle bus question. Mr. Akin had a meeting scheduled with Mr. Erwin in the next few days. He wanted to get with the Regents and work with Mr. Ternus, as he believed they had a good proposal; then come back to the Council the following week.

They also would be discussing this with the Council Members. Mr. Akin had presented their proposal.

FILM PRESENTATION - PLAYGROUNDS

Dr. Mendell Granoff, Psychologist with the Austin Child Guidance Center, Mental Health-Mental Retardation Center, presented a film on playgrounds in England, and the plan was pioneered in England and in Scandinavia. The film dealt with playgrounds for handicapped children. Councilman Friedman stated in his understanding, Dr. Granoff was trying to bring this concept forth to see how it might be used in Austin. Councilman Friedman suggested that Dr. Granoff meet with the Parks and Recreation Department, Recreation Board, and the Task Force. Dr. Granoff pointed out the need for a greater number of small parks where these little children can go. He was directed to keep in touch with Mr. Sybesma and work with the two Recreation Boards.

CONSULTING SERVICES

Councilman Nichols moved the Council select the firm of SNOWDEN & MEYER for the consulting services in connection with soils and foundation investigation and materials testing services in connection with Decker Plant Unit No. 2 and Decker Fuel Storage Facilities - C.I.P. Project No. 1050 0.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler
Councilman Nichols
Noes: None
Out of Room at Roll Call: Councilman Dryden
Absent: Mayor Pro Tem Love

HEALTH DEPARTMENT FEE STRUCTURE

Mr. Tom Taylor, Vice President of the Texas Nursing Home Association, and owner and licensed Administrator of the Nursing and Convalescent Center and North Lamar Nursing Home, which two facilities total 198 nursing beds, also represented 23 other nursing homes totalling 1816 beds. The majority of these nursing homes

are members of the Capital Area Chapter of the Texas Nursing Home Association. He spoke in opposition to the proposed annual increase of base fee and per bed fee for a permit to operate a nursing custodial home within the City limits. The present base fee is \$10.00 per home, and the proposed increase is \$20.00. The per bed fee will be \$2.00 instead of \$1.00. These represent 100% annual increase. He added nursing homes were still confined to the price guidelines of Phase III set forth by the Economic Stabilization Program, and they could not increase prices. Their patients mostly are on old age assistance. The professional nursing home administration is interested in the highest standard of patient care. He requested that the Council vote against an increase in these permit fees. He suggested that a committee composed of nursing home administrators meet with the members of the Council to discuss this in depth before the Council made a decision.

Mayor Butler stated the Council had tried to get the various services that the City performs to specific groups and individuals on an almost pay-as-you-go basis. The theory being that the person who receives the benefit of the service should pay for it. City Manager Davidson stated the basic fee structure had not been adjusted since 1956 as to nursing homes--along with a few other adjustments in 1965. In this case there would be a recovery of a small percentage of the actual cost of the Health Department Inspections and permit issuances. He stated it was their belief that this is equitable. It was pointed out this increase would be about \$7.00 a month on the average nursing home, and would not become effective until January 1974. It was decided that Mr. Taylor and some of his representatives meet with the City Manager.

Mayor Butler offered anyone an opportunity to discuss or object to the increased fee structures pertaining to activities other than the Public Health Department.

Under consideration for rate adjustments were the following:

<u>Permit/Service</u>	<u>Proposed Fee</u>
Day Care Center Permit	\$10 plus \$1/child (\$50 maximum)
Nursing Home Permit (*)	\$20 plus \$2/bed
Tourist Court (Campground)	\$10.00
Massage Parlor	\$25.00
Slop & Swill Permit	\$ 5.00
Septic Tank Cleaner Permit	\$10/truck
Septic Tank Percolation Test (Initial Examination)	\$45.00
Lake Residence Septic System Inspection	\$10.00
Swimming Pool Permit	\$10.00
Marina & Recreation Area Permit	\$20.00 initially plus \$10.00 annually
Houseboat, Resident Pleasure Boat & Excursion Boat Permit	\$20.00 initially plus \$10.00 annually
Transient Pleasure Boat (30 days)	\$ 3.00
Birth and Death Certificate	\$ 2.00
Certified Birth Card School	\$ 1.00
Non School	\$ 2.00
Health Certificate	\$1.50/\$3.00
Birth Registration List	\$2.00

(FEE STRUCTURE continued)

<u>Permit/Service</u>	<u>Proposed Fee</u>
Yellow Fever Shot	\$ 2.00
Searching Fee	\$ 2.00
Food Permit (Food Service)	
1 - 5 Employees	\$22.50
6 - 15 Employees	\$30.00
16 - 30 Employees	\$60.00
31 + Employees	\$90.00
Food Permit (Food Products)	
1 - 4 Employees	\$15.00
5 - 20 Employees	\$30.00
21 + Employees	\$60.00
Food Permit (Intra City Distributor)	\$30.00
Milk Permit	
Producer	Zone 1 (0-60 miles) \$30.00
	Zone 2 (60-100 miles) \$55.00
	Zone 3 (100 + miles) \$80.00
Distributor (out of City)	\$250 up to 3000 gal/day
	\$600 over 3000 gal/day
Pasteurizing Plant	\$.30/1000 gallons/day
	\$1500 maximum
Rat Bait Sales	3 pounds/\$1.00
Pest Control Firm Permit	\$30.00
Pest Control Operator Permit	\$ 6.00

Mayor Butler brought up the following ordinance:

AN ORDINANCE AMENDING SECTION 16-6 OF CHAPTER 16, SECTION 13-15 OF CHAPTER 13, SECTION 43-3 OF CHAPTER 43, SUBSECTION (G) OF SECTION 29-50 OF CHAPTER 29, SUBSECTION (C) OF SECTION 12-42 AND SUBSECTION (A) OF SECTION 12-60 OF CHAPTER 12, SECTIONS 25-11 AND 25-19 OF CHAPTER 25, AND SUBSECTION (C) (1) OF SECTION 29-49 OF CHAPTER 29, OF THE AUSTIN CITY CODE OF 1967, PERTAINING TO THE FEE STRUCTURE OF CERTAIN HEALTH FEES: SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately - omitting the nursing home permit at this time (*). The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Lebermann

Noes: None

Out of Room at Roll Call: Councilman Friedman

Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

SPECIAL PERMIT APPEAL - REDMAN CORP.

Mr. Richard Baker, representing the Redman Development Corporation, which wishes to place 456 apartment units on their land, explained that they could not give any on density. There had been further meetings with the appellants, but he was not certain of the outcome at this time. There had also been some questions as to the use of the balance of the land in this area. Mr. Baker felt there were still some legal questions and he wished to continue the hearing for 30 days to be given an opportunity to totally review all the aspects of these problems.

Mr. Jim Landrum, representing the appellants, after a discussion with their Executive Committee, asked that they have an opportunity to bring out some specific points at this time and that there be a firm decision on this matter within the next two weeks. Mr. Baker explained that he would be out of town for most of the next 30 days, and would not be able to meet with Mr. Landrum's group until near the end of that time.

At this time, Mr. Landrum pointed out they were not requesting a roll back, but a request for status quo of the situation in 1969. He felt that though proper notification had been given, this was not adequate notification. Only five people received notice. If there had been adequate notification, probably their group would not even be here today. A petition had been signed in the last 2 weeks, asking that the guidelines set up in the Council meeting of June 1969 be kept.

Their goal in this appeal was for the area to be zoned residential with assurance from the builder and land developer that this area would remain residential. They were interested in a density of only 12 units per acre. The special permit had not been issued and a change to more than 12 units should not be granted at this time. Mr. Mayfield, the previous owner, had agreed to 12 units, but the land was sold to Redman Corporation and they wished to have more apartment units now. Mr. Mayfield had a study made by a Denver, Colorado, firm as to the "highest and best use of this land, from the standpoint of the community of Westover Hills as well as the northwest expansion of Austin". This was to be developed as a whole neighborhood, but the land was not deed restricted, and now there was trouble because of this. It was pointed out at this time that the sale of the land to Redman had been consummated and the cash paid. Redman thought the issue of density had been resolved on December 7, 1972. Mr. Baker requested a delay to study some of the legal points whether he could go back to Mr. Mayfield for some redress. This would probably have to be resolved in court. Mayor Butler suggested a 3 week delay.

Councilman Dryden moved the Council deny the Special Permit and uphold the density specified by the 1969 Council. Councilman Nichols seconded the motion.

The City Attorney, Mr. Don Butler, pointed out that the issue of the Special Permit was the only item before the Council today and that the issue of density could not be included in the motion.

SUBSTITUTE MOTION

Councilman Handcox offered a substitute motion that the Council refer the case back to the Planning Commission and that an area study be conducted. The motion, seconded by Councilman Lebermann, failed to carry by the following vote:

Ayes: Councilmen Lebermann, Handcox
Noes: Councilmen Dryden, Nichols, Mayor Butler
Out of Room at Roll Call: Councilman Friedman
Absent: Mayor Pro Tem Love

After the vote, Mr. Baker noted that he had asked for time to present his case if the motion for extension were not granted. He handed the Council members a letter written by the Redman people. The architects had moved two units and reduced the density to 15 units per acre within 130 feet of Cima Serena Drive. At that time, the 12 unit restriction was removed, and one day before, a special permit had been filed to allow apartments in several buildings. At the time of the removal of the restriction, Redman consummated a cash sale for the property, and proceeded with the special permit. There was no question of density involved at that time. When notices were sent out for the special permit hearing, Mrs. Matelski heard about it and was concerned with the trees, and her appeal was on the basis of landscaping, and not density. Redman had a 20 acre tract of land and an investment of \$750,000, and the alternatives to development were not desirable as far as Redman's was concerned. Mr. Baker felt it imperative to consider the density question resolved on December 7, 1972.

ORIGINAL MOTION

Councilman Dryden's original motion carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Handcox, Mayor Butler, Councilman Dryden
Noes: None
Out of Room At Roll Call: Councilman Friedman
Absent: Mayor Pro Tem Love

The Mayor announced that the Special Permit had been DENIED.

ITEMS DEFERRED

Mr. Leroy Broadnax came before the Council concerning a grievance at Brackenridge Hospital. City Manager Davidson stated Mr. Broadnax had gone through the channels, and had talked with him. He stated it would be helpful to the Council if he could get a copy of all of the reports and send copies to the Council members, so that they could be better prepared to hear Mr. Broadnax's report. Mr. Broadnax stated he would prefer this procedure, and the Council deferred this matter until the following week.

At his request, the appearance of Dr. Thomas D. Kirksey to present a proposed contract for Hospital Staff and Emergency Services for Brackenridge Hospital, was delayed for one week.

COMMUNITY ACTION BOARD

Mayor Butler stated the Council had before it recommendations regarding a Child Development Program and Legal Aid Society. City Manager Davidson asked Ms. Beatty, Acting Director, to report the recommendations to the Council as related by the Board. Ms. Beatty stated the report comes from the Community Action

Board recommending the delegation of the child development component of the Department of Community Action to the Child, Inc., which is an incorporated group previously the Parent Policy Council. She reviewed the Child Development component, a 1.8 million dollar program funded both by H.E.W. and out of Model Cities. It served 1500 children and 22 day care centers throughout Austin and Travis County, as well as in home care units in the Model Neighborhood. There are about 235 full time employees in this program and about 70 full time temporary employees--home care unit mothers.

Councilman Nichols moved the Council designate the delegation of the child development component of the Department of Community Action to the Child, Inc., as recommended by the Community Action Board. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler,
Councilman Nichols

Noes: None

Out of Room at Roll Call: Councilmen Dryden, Friedman

Absent: Mayor Pro Tem Love

Mr. Al Moore, Chairman of the Parent's Policy Council in the Child Development Program, and also a member of the Board of Directors of Child, Inc., requested that the agency be recognized as a delegate operation immediately, and let the transitional matters pick up following that recognition. City Manager Davidson stated he would confer with Ms. Beatty immediately to see what can be done and try to work it out to their advantage as well as to the City's.

Judge Jon Coffee, Vice Chairman of the Legal Aid and Defender Society, spoke in behalf of Mr. Byfield, Chairman, who is out of town. Judge Coffee stated the recommendation at this time is for the Council to give them the privilege of applying for direct funding for the fiscal year 1973-74. The Legal Aid and Defender Society should either be granted that prerogative or that the Council authorize them to do so. The precedent established in the past two months is that all of the Legal Aid agencies who are applying for direct funding are being given a 12 month grant. The time element is April 1. Otherwise, those applying through sponsoring agencies have been granted only a six months funding. They believe they have established an autonomy. Their seven years of experience well qualify their achievements. They have a greater ratio of in-kind funds and local contributions than any other Legal Aid and Defender Society in the whole region.

City Manager Davidson recommended this action as does the Community Action Board.

Councilman Nichols moved the Council adopt a resolution that the Legal Aid and Defender Society of Travis County, by and through its authorized delegates, be and is hereby authorized to apply for funding from the Office of Economic Opportunity as a limited purpose agency as the term is defined and understood in OEO regulations. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols
Lebermann

Noes: None

Out of Room at Roll Call: Councilman Friedman
Absent: Mayor Pro Tem Love

ZONING HEARING POSTPONED

The Council had before it the following zoning:

CENTRAL FREIGHT LINES, INC. 7011-7015 No. IH 35
By W.E. Cureton
C14-73-008

From "A" Residence
1st Height & Area and
"C" Commercial
6th Height & Area
To "C" Commercial
6th Height & Area
RECOMMENDED by the
Planning Commission
subject to restrictive
covenants requiring a
10' setback that is to
be a planted buffer with
a 10' chain link fence
on the rear property
line (in accordance
with the site plan on
file)

Mayor Butler reported the Council had a letter and a request for a postponement of this case. He stated there was a meeting in the St. Johns area with the citizens in the area. The applicants believed, if given a reasonable amount of time, they could overcome some of the opposition.

Councilman Nichols moved the Council reset this case for 30 days, to be heard 2:00 P.M., April 19. The motion, seconded by Councilman Dryden, carried by the following vote:


Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann,
Handcox

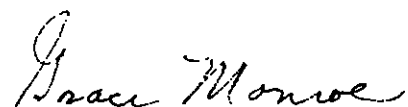
Noes: None

Out of Room at Roll Call: Councilman Friedman
Absent: Mayor Pro Tem Love

ADJOURNMENT

The Council then adjourned.

APPROVED: 
Mayor

ATTEST: 

City Clerk